



COLUMBIA BASIN FISH AND WILDLIFE AUTHORITY

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Final

Coordinating and promoting effective protection and restoration of fish, wildlife, and their habitat in the Columbia River Basin.

The Authority is comprised of the following tribes and fish and wildlife agencies:

Burns Paiute Tribe

Confederated Tribes of the Umatilla Indian Reservation

Confederated Tribes of the Warm Springs Reservation

Confederated Tribes and Bands of the Yakama Nation

Fort McDermitt Paiute-Shoshone Tribe

Kootenai Tribe of Idaho

National Marine Fisheries Service

Shoshone-Bannock Tribes of Fort Hall

Shoshone-Paiute Tribes of Duck Valley

U.S. Fish & Wildlife Service

Coordinating Agencies

Columbia River Inter-Tribal Fish Commission

Compact of the Upper Snake River Tribes

Upper Columbia United Tribes

DATE: August 3, 2012
TO: Members Advisory Group (MAG)
FROM: Doug Taki, Chair
SUBJECT: Final Action Notes for the July 24, 2012 MAG Teleconference Meeting

Members Advisory Group Teleconference Meeting
Tuesday, July 24, 2012
1:00 p.m. to 2:00 p.m. (Pacific)
851 SW 6th Ave., Suite 250, Portland, OR
[MAG Webpage](#)

Final Action Notes

Attendees: Doug Taki, Chair; Elmer Ward, CTWS; Bob Austin, USRTF; and CBFWF/A Staff: Jann Eckman, Tom Iverson, and Trina Gerlack

WebEx - Phone: Laura Gephart, CRITFC; Jason Kesling, BPT

ITEM 1: Introductions and Approve Agenda

Action: The agenda was approved as written. No objections.

ITEM 2: Draft Action Notes from the June 5, 2012 MAG Meeting

Action: The [6/5/2012 MAG Meeting action notes](#) were approved as final. No objections.

ITEM 3: [Bonneville Power Administration's Integrated Program Review \(IPR\)](#)

On June 5th, Bonneville Power Administration kicked off their IPR which is their predecessor to the Fiscal Year 2014-15 Rate Case, but they are including fiscal year 2013 to include discussion of any cost recovery adjustments as part of the process. On June 5th, BPA gave a high level presentation to introduce their fish and wildlife costs and asked for comments to discuss at the July 17th follow up meeting. CBFWA submitted the following questions:

1) From the IPR support materials, it is not clear what the total cost for BPA overhead is within the total Integrated Fish and Wildlife Program. In the supplemental meetings in July, would it be possible for BPA staff to present BPA F&W Division overhead, actual and projected costs, from 2008 through 2017 (number of FTEs, total budget amount, and total amount under contract for direct support of Division staff). It would also be helpful to see a comprehensive organizational chart for the F&W Division.

2) It is clear from the IPR support materials that spending did not occur as planned for the 2008 Fish Accords in FY2010-11. It is also clear that the spending (work) was moved forward, as per the Accords, into the current rate period. What is not clear is that the BP-12 rate decision resulted in collecting funds to support the Accord spending, yet it appears that no actual funding has been "carried forward" to support the unfinished work as stated in the support materials. With the addition of \$10 million in estuary spending, it appears that non-Accord projects in the

Integrated Fish and Wildlife Program will have to be reduced or eliminated in order to fund the Fish Accord projects - based on the proposed BP-14 funding levels. An up to date accounting of the Fish Accords FY2008-2011 planned and actual spending would be useful in reviewing and evaluating the BP-14 rate drivers.

3) At the IPR meeting, BPA staff referred to a “mature” Integrated Fish and Wildlife Program. This implies that the Program is fully developed and meeting its mitigation obligations. It would be helpful if BPA staff could present how future unmet resident fish and wildlife obligations will be addressed if funding levels are not going to increase and Accord obligations are going to be fully met through 2017. Has BPA performed an analysis to estimate potential outstanding resident fish and wildlife obligations?

Tom Iverson provided a summary of the [BPA’s July 17, 2012 Fish and Wildlife Program presentation](#) and highlighted areas of concern for MAG’s consideration. Tom and Jann teleconferenced into the meeting and thought BPA did a good job of answering questions and documenting the discussions around fish and wildlife costs within this rate case. The [2012 IPR written follow-up responses](#) to the comments are posted on the BPA IPR webpage for review.

[IPR presentation slide 3-9](#): The BPA’s fish and wildlife division overhead is \$16.8 million, which is 7% of the Integrated Program. Tom stated that about 5-years ago, BPA’s overhead was approximately \$10 million. The increase is due to additional COTRs to oversee the fish accords projects. BPA provided a high level environmental, fish & wildlife group organizational chart for 2013.

Concern: The fish accords are approximately \$83 million underspent as of FY2011. Not all of the unspent accord costs can be carried forward each year, contingent on the agreements made in accords. The concern is that \$83 million of accord work is incomplete and it has to be shoehorned into the FY13-17 F&W Program budgets. Without an increase in funding levels, that incomplete accord work will have to be funded out of non-accord work and non-BiOp work. The resident fish and wildlife managers should be particularly concerned if their projects that are not secured by an accord.

BPA reinforced that the Program is fully mature, with approximately 70% directed to anadromous fish, 15% to resident fish, and 15% to wildlife. BPA believes they are meeting the funding allocation objective from the Program. BPA deferred to the implementation of the NPCC’s Program to identify their work regarding unmet resident fish and wildlife obligations.

Bill Maslen sent a letter on June 6, 2012 to request cost savings within individual projects. There is more potential spending (commitments) than money available to support it. At the rate BPA is going they will overspend their available funding in 2012.

Several comments were made by customer groups and other interested parties at the July 17th meeting regarding foregone revenue. In slide 9, BPA includes foregone revenue in their total annual average cost of BPA fish and wildlife actions, but does not report the 4(h)(10)(C) credits out of the Northwest Power Act, which directs the federal tax payers to pay a portion of the fish and wildlife costs through treasury credit, and those funds should be included and represented in the total fish and wildlife costs. Approximately 22.5% of the Fish & Wildlife Program is paid by the federal tax payers and this is not represented in BPA’s table.

Tom I. is planning to submit another comment to BPA requesting that they include 4(h)(10)(C) credits to their total annual average fish and wildlife actions costs in slide 9.

Bob Austin asked if any comments were being provided on other portions of the BPA's IPR as it relates to the cost to produce power and rate of return. Tom answered that he only concentrated on fish and wildlife.

BPA is collecting comments through the first week of August for their rate proposal, which should be available for review in September. Now is the time to make an argument for more funding if your tribe or agency would like to see an increase in funding in the next 3-years, because it can be incorporated into the rates that BPA collects.

ITEM 4:

Northwest Power & Conservation Council's Resident Fish, Data Management, and Program Coordination Project Recommendations and Decisions

At the July 10th NPCC meeting, the Council completed their funding recommendations to BPA on Resident Fish, Data Management, and Regional Coordination projects.

Tom I. provided an overview of the [NPCC's June, 28, 2012 decision memorandum](#).

Part 2 Resident Fish – Issues and Recommendations

The Council would like to see follow-up plans or reports for several of the resident fish projects that tie the projects together and illustrates how they fit into the larger management realm. The Council did not make any specific funding recommendation for any projects. The Council is leaving it up to BPA's COTRs to negotiate the final funding level for each of the resident fish projects. The Council expects that the funding level for each project be consistent with the ISRP review and not impact the integrity of the projects as they were reviewed and recommended.

Part 3 Data Management Category Review – Issues and Recommendations

The Council struggled with data management, but came to the conclusion that data management should support the overall reporting of HLIs and the ability for the F&W Program to perform evaluations. The Council made different tiers of recommendations for data management projects. Council requested that all projects that collect data make their data available for review electronically within 6 months after it is collected.

Council did not feel they had enough information to make final recommendations for projects like StreamNet, PNAMP, NW Habitat Institute, and a large portion of the Columbia Basin Fish & Wildlife Foundation (Foundation) proposal's objectives for SOTR and technical committees to support the work for monitoring strategies. They placed these projects into an additional data management review to be conducted by the newly formed Program Evaluation Reporting Committee (PERC). The Council instituted the PERC to engage in a regional discussion of how existing data management systems, tools and processes support the Council's evaluation and communication of their Fish and Wildlife Program performance and progress. See more information at

<http://www.nwcouncil.org/fw/program/perc/>.

Bill Booth will oversee and chair the PERC. The PERC will generate a work plan for data management that provides project specific funding recommendations to

the Council for their endorsement, which will in turn provide guidance to BPA for funding. A large portion of the Foundation proposal will be discussed in the PERC process. The CBFWF staff will be working with NPCC staff and BPA staff to help facilitate future technical level meetings and reporting through the SOTR.

The Council initially identified the functions within the Foundation proposal that would be helpful to maintain into the future; however, that language was removed from their recommendation at the last minute. The PERC should have a decision within 3 months. Twenty thousand dollars was added to the Council's tagging forum facilitation contract to fund and manage the PERC. The PERC will be chaired by Council, staffed by Kevin Kytola, Sapere Consulting, the facilitator for the tagging forum, Nancy Leonard and Peter Paquet, NPCC. The project sponsors are requested to attend and all tribes and agencies will be invited to attend. Tom recommended that all CBFWA members participate in this forum.

Part 4 Regional Coordination – Issues and Recommendations – Table 1 & 2.

The Council created a list of tasks that should be addressed through the regional coordination projects. They don't feel they have the authority to tell the regional coordination projects what to do, because of their sovereign interests. The NPCC will maintain the equal allocation model, limited to \$2.7 million. They eliminated the federal agencies funding allocation for regional coordination. Using the Federal agencies former coordination funds, the Council created a placeholder under data management for the \$264 million to help support the PERC recommendations. The Council recommended the BPA COTRs negotiate with the contractors to do the priority work identified in Table 1 of their regional coordination recommendation. Tom notified the Council, that under the current recommendation, the forums identified to do the work in Table 1 will go away. The PERC and the MAG should have a discussion on how the products identified in Table 1 will be completed without the forums or funding to do the work.

The fish & wildlife managers need to notify the Council if they want the Foundation staff facilitating these future regional products.

The NPCC staff is preparing context documents and Foundation staff will be assisting as necessary to develop them. The PERC meetings are scheduled for August 22, in Spokane WA and September 13, in Portland OR at the NPCC offices.

The Council's underlying recommendation is for project sponsors to go negotiate individually and directly with BPA for funding to get their work done.

The Council added a caveat, if BPA makes a change in funding or work to the NPCC recommended body of work that was reviewed by ISRP, that change in funding or work should be tracked back to the Council, but no process was identified.

In Table 2, under new partners, an empty placeholder is identified for the Fort McDermitt Paiute-Shoshone Tribe (FMPST) by the Council, pending BPA's final funding decision. The Council recommended, if BPA agrees to new funding for FMPST, the funding should be added "in addition to" the \$2.7 million placeholder they created for regional coordination.

ITEM 5: Discuss CBFWA FY2013 Work Plan and Budget

Tom I. prepared a preliminary [FY13 CBFWA draft budget assumptions](#) for review and discussion. The FY13 CBFWA Work Plan will be developed based on the funding level provided by the Members.

Tom will be contacting each Member individually to confirm their FY13 coordination funding needs, interests, and contributions to support CBFWA/F. The MAG will review the draft CBFWA work plan and budget at the September meeting.

Tom I. has contacted outside sources for funding and grants. He met with the Great Northern Landscape Conservation Cooperative and the Foundation did not qualify for a grant this year, but possibly next year. The Foundation staff will do more outreach and create closer relationships for next year.

Tom I. will contact USFWS and NOAA Fisheries for funding possibilities and Montana Fish, Wildlife & Parks contribution should remain status quo.

The role of CBFWA will transition into a more general Columbia River Coordinator role to provides updates to the membership on regional issues, important forums, and provide technical level support for BPA processes.

ITEM 6: Other Regional Updates

- **Coordinated Assessments (CA)**

Tom I. provided a summary of the July 12, 2012 at the Coordinated Assessments (CA) workshop and their next steps. The work group met and approved the Data Exchange Template (DET) pending a few minor changes and the DET Development Team's final review. This is the significant first step towards a Columbia River basin wide salmon and steelhead data sharing network. The DET will be implemented by the states and tribes by incorporating its guidance into their existing data management systems, as funding allows, and NOAA is developing the ability to receive data using the DET standards via their SPS database. The CA work plan for Phase IV will be developed by the CA Core Team and reviewed and approved by the CA Planning Group. The work plan will include plans to coordinate technical aspects to implement the DET, plans to expand the DET to include hatchery indicators, and continue technical and policy coordination through CA work group facilitation. BPA agreed to discuss funding for data stewards to assist in the implementation of data exchange, but no funding or positions have been defined. The next CA workshop is planned for late winter or early spring 2013 to discuss the status of the CA project and next steps. The CA support material, meeting and project information are posted on the [PNAMP website](#).

- **Status of the Resources Report (SOTR)**

Tom I. reported that Neil Ward and Binh Quan just completed a major update to the SOTR and it is available for your review on the [SOTR website](#).

- **Revised Draft CBFWF Bylaws Adopted by the BOD**

Jann Eckman reported that Columbia Basin Fish & Wildlife Foundation (CBFWF) Board of Directors (BOD) are Jann Eckman, President; Dave Statler, Vice President; and Tom Iverson; Secretary-Treasurer. Dave Statler, NPT agreed to stay on as a volunteer on the CBFWF BOD as a fish & wildlife agency representative during the organization's transition period.

The BOD revised the CBFWA ByLaws in collaboration with Jessica Kutchan, Mentor Law Group, legal counsel, to be consistent with amended [CBFWA Charter](#) and address legal requirements. Some of the changes are in restructuring and retitling of the BOD. It sets forth the manager as the person who manages the Foundation's business and administration. It sets forth a director who serves as the

Columbia Basin Fish & Wildlife Authority (CBFWA) Members liaison. It sets forth a fish and wildlife manager who serves as the fish and wildlife agency representative. Jann Eckman would serve as the Foundation's manager, Tom Iverson would serve as the CBFWA Member's liaison director, and Dave Statler would serve as the fish and wildlife agency's representative on the BOD. The BOD will teleconference to adopt the Foundation's ByLaws. The adopted ByLaws and the specifications will be presented to the Members for consideration. Doug Taki, Chair of the Members Advisory Group supported the changes.

The adopted Foundation's bylaws and new organizational chart will be included during the review of the CBFWA/F FY13 work plan.

ITEM 7: Next MAG Meeting

The next MAG meeting is scheduled for September 2012. The day in September will be selected after the PERC meeting is scheduled. The tentative agenda items are FY13 CBFWA/F draft work plan and budget, adopted CBFWF ByLaws, PERC, & SOTR.

Upcoming Meetings:

[Northwest Power and Conservation Council](#) Meeting(s): Aug. 7-8, Spokane WA – Sept. 11-12, Astoria OR.

NPCC's Science Policy Exchange meeting [August 9 Predation in the Columbia River Basin: What are the Management Alternatives](#). **Please RSVP to attend.** Dave Ward, HDR Engineering, Inc. was hired to facilitate the meeting.

NPCC's PERC Meetings –August 22, Spokane WA and Sept. 13, Portland OR NPCC Office. Go to <http://www.nwcouncil.org/fw/program/perc/>.

Next MAG Meeting - September 2012 date to be announced after PERC meeting.